

≡

THE
NEW YORKER

had sex with me. That man is the same man that I had sex with at least six times.” When I talked with her, she suggested that Dershowitz had made a tactical mistake by attacking her so persistently. “The ‘bad mom’ thing actually hurt the worst,” she said. “I love my children more than I love my own life.”

Edwards and Cassell, who strongly denied Dershowitz’s claims, sued him for defamation in January, 2015, and Dershowitz countersued. Giuffre became a witness. She was represented, pro bono, by David Boies, of Boies Schiller Flexner, and by his partner, Sigrid McCawley.

Dershowitz and Boies have known each other since they were young lawyers, when Dershowitz was teaching at Harvard and Boies was at Cravath, Swaine & Moore. Boies is among the highest-paid trial lawyers in America, a skillful courtroom tactician with a keen instinct for public opinion. For decades, he has cultivated a reputation as a defender of principle. He represented CBS in a major First Amendment case, prosecuted Microsoft for antitrust violations, and fought for marriage equality in *Hollingsworth v. Perry*, the landmark suit in California.

But Boies has also damaged his reputation by using strikingly aggressive tactics. In 2011, he agreed to represent Theranos, a startup that claimed to have pioneering blood-test technology; he later served on the company’s board. When the *Wall Street Journal* pursued an exposé of Theranos’s deceptive business practices, Boies vehemently warned against publishing the article, and worked to silence whistle-blowers within the company. (He maintains that he was protecting his client’s intellectual property, and that he did not try to impede publication.) Boies stopped representing Theranos in the fall of 2016, but remained

≡

THE
NEW YORKER

2017, this magazine and the *Times* were investigating accusations of sexual abuse against Harvey Weinstein, who was Boies's client. Boies's firm hired Black Cube, a private intelligence company run by former Israeli military operatives, to disrupt the reporting. In the process, Black Cube operatives impersonated a source and assumed other false identities to gather information on the reporters. (Boies said that he regrets not supervising Black Cube more closely.)

In the summer of 2014, Boies, who has described courtroom proceedings as “essentially morality plays,” met with Giuffre and vetted her story. She was an imperfect witness. She had used drugs throughout the time she was with Epstein, and she acknowledged being hazy on dates. She initially recalled that she started working at Mar-a-Lago when she was almost sixteen, but employment records showed that she started a year later—meaning that she had been underage for less than a year of the time in which Epstein lent her to his friends. Yet Giuffre maintained that she never forgot the faces of the men she had sex with. At thirty, she was plainspoken and direct, with a quiet self-assurance that seemed hard-won. “She didn’t try to pretend she was perfect, didn’t try to give a constructed narrative,” Boies told me.

Dershowitz presented his own difficulties as a witness. When taped depositions began, in October, 2015, he often refused to answer questions, delivering long soliloquies and furious denunciations. Even his own lawyer tried at times to restrain him. Eventually, a special master, a kind of referee, was appointed to help control the proceedings. The special master repeatedly admonished Dershowitz (“Mr. Dershowitz, I’m going to ask you to stop”), and struck some of his testimony from the record.

Dershowitz argued that he was being used as a “stalking horse”: Boies’s real goal, he said, was to use him as an example to frighten Leslie Wexner into paying a large settlement. He insisted that he had never met Giuffre, that he had never seen photographs of naked girls in Epstein’s house, and that he had never seen Epstein with underage girls; if he had, he would have reported him to the authorities. Giuffre was a “serial liar,” he said—nothing she said could be believed.

In cases of sexual abuse, one important legal standard is “contemporaneous outcry,” in which victims disclose attacks to people they trust, soon after the event. Giuffre, like many of the other women around Epstein, describes herself as isolated, and says that she was discouraged from speaking with the girls who came and went from Epstein’s homes. But she has said that she talked about Dershowitz with Tony Figueroa, her boyfriend during the time she was with Epstein. Giuffre described calling him from the island and complaining of being obligated to “have sex with O. J. Simpson’s lawyer.” In January, 2016, two attorneys working with Dershowitz tracked Figueroa down to secure an affidavit that would preempt any such testimony. “Virginia only once mentioned Alan Dershowitz,” it read. “I remember she described Mr. Dershowitz as ‘O. J. Simpson’s lawyer.’ She did not say she ever had any physical contact with him.” Figueroa, who has been arrested several times on minor drug charges, signed the document.

≡

THE
NEW YORKER

Dershowitz also gathered evidence from phone calls with Rebecca Boylan, a girlhood friend of Giuffre's. In a transcript that he introduced during a deposition, he informs Boylan that he's turning on a tape recorder and asks her to "please repeat what you told me previously." Boylan says that Giuffre was pursuing Dershowitz only under pressure from lawyers, and that "I've never heard her mention you as [sic] when we were kids." Dershowitz says, "I'm now turning off the tape recorder. Thank you so much." Giuffre said that Boylan agreed to the call after they had a falling out. Dershowitz said that Boylan contacted him, unprompted, because she was "horrified by what was happening to me." (Boylan did not respond to requests for comment.)

Dershowitz told me that he wanted the case to go to trial. But, in December of 2015, he e-mailed Boies to discuss a settlement—on the condition that Giuffre acknowledge that her accusation could have been a mistake. He wrote, "We should be aiming at a short simple statement such as: 'The events at issue occurred approximately 15 years ago when I was a teenager. Although I believed then and continued to believe that AD was the person with whom I had sex, recent developments raise the possibility that this may be a case of mistaken identification.'"

In April, 2016, the case settled, with no such statement. The press reported that the agreement included a financial arrangement, implying that Giuffre's team had paid. In fact, Dershowitz's insurance company had paid Giuffre's lawyers. (In negotiations, the parties had discussed a figure of nearly a million dollars, with fifty thousand going to Dershowitz, which would allow him to claim a payment. The final amount has not been disclosed.) Dershowitz also got a valuable concession: Edwards and Cassell agreed to release a statement saying that it was "a mistake to have filed sexual misconduct accusations against Dershowitz." As the statement circulated in news reports, Edwards and Cassell rushed to clarify that they had committed a "tactical" mistake. They had attached Giuffre's filings to a case centered on Epstein, not on Dershowitz; because the filings were not directly relevant, the judge had struck them from the record. Dershowitz, in interviews, ignored this interpretation and said that he hoped that Giuffre would be investigated for perjury. The previous fifteen months, he said, had been like "being waterboarded."

Dershowitz was free of the lawsuit, but his public stature was diminished. He had retired from Harvard Law School in 2013, at seventy-five, and he was finding media invitations elusive. His latest book, "Electile Dysfunction," attracted little interest. He made frequent appearances on Newsmax, the conservative news outlet. Dershowitz remained preoccupied with Giuffre's allegations. In late 2016, he complained to *Boston* magazine that, as a result of her claims, he had lost two clients and had stopped getting requests to accept honorary degrees. Before an appearance at Johns Hopkins, he was greeted by women wearing duct tape over their mouths, holding signs that read "You Are Rape Culture."

With the election of Trump, though, he became a regular guest on Fox News, sometimes appearing several times a week, to accuse the President's antagonists of misreading the law. After Trump fired the

≡

THE
NEW YORKER

opposition, arguing that a special counsel had too much power. Dershowitz was often introduced as an impartial arbiter—a Democrat who happened to feel that Trump had been mistreated. It helped that he had been arguing against special counsels at least since 1998, when he wrote “Sexual McCarthyism,” a book protesting the investigation of Bill Clinton. He also noted frequently that he had voted for Hillary Clinton in 2016, and insisted that his interest was nonpartisan. “I’m going to speak out on civil liberties,” he told Tucker Carlson, on Fox News. “And sometimes it’s going to help Trump. Sometimes it’s going to hurt him.” Civil liberties were “more important than politics,” he declared. Carlson replied, “Well, God bless you.”

At times, Dershowitz’s defense of Trump put him in conflict with old comrades. In April, 2018, he accused Mueller, with no apparent evidence, of complicity in one of the worst scandals in F.B.I. history, in which four men in Boston were wrongly imprisoned for murder, in 1968, based on false testimony from a mafioso who was also an informant for the Bureau. In a radio interview, Dershowitz said that Mueller, who had worked in the U.S. Attorney’s Boston office, had “kept four innocent people in prison for many years.” The allegations echoed across the right-wing media, with statements from Sean Hannity and Rush Limbaugh, and Dershowitz called for an investigation by the Justice Department’s inspector general. As it happened, Nancy Gertner had been the presiding judge in the most expansive lawsuit in the case, in which representatives of the four framed men sued the federal government. On April 18th, she published an Op-Ed in the *Times*, noting that, in thousands of pages of court records, “there is no evidence that the assertion is true.” Gertner told me that she was dismayed by Dershowitz’s recent appearances: “He has squandered his position as a Harvard law professor and a civil libertarian—for the sole purpose of being on TV.”

Some of Dershowitz’s most striking statements came during Brett Kavanaugh’s Supreme Court confirmation hearings. When Christine Blasey Ford accused Kavanaugh of assaulting her at a high-school party, Dershowitz complained on “Fox & Friends” that other commentators were endorsing her claims without sufficient evidence. “You’ve never met her!” he said. “Are women born with a special gene for telling the truth and men with a special gene for lying?” In another appearance on the show, he mocked his opponents in the argument over Kavanaugh: “‘We know he’s guilty because he’s a white man. She’s a woman, she’s a survivor—that’s the end of the inquiry.’”

This January, Dershowitz was on Fox News, discussing the Mueller investigation, when the host asked solicitously about the accusations against him. Not long before, the Miami *Herald* had published a deeply reported three-part series, by Julie Brown, that offered new details on Epstein’s case and the negotiations that led to his deal. Dershowitz seemed eager to answer the question. “There are e-mails so far that are secret, but that prove not only that I was framed but who framed me,” he said. “Have me back on the show when the e-mails come out. Boy, it will be so interesting—because there will be prominent people in handcuffs.”

THE
NEW YORKER

documentary evidence, as I have,” he told *The New Yorker*. His evidence, though, often leads to further disputes. He has pointed to an unpublished memoir by Giuffre, saying, “In her manuscript, she says she never had sex with me.” She does not say this. In the memoir, Dershowitz appears in only one passage: He knocks on the door of a bedroom where Epstein has just finished having sex with Giuffre, and Epstein invites him in for a discussion. Giuffre writes, “Alan’s taste for the young and beautiful was the bias [sic] for a blooming business relationship between him and Jeffrey.”

ADVERTISEMENT

Dershowitz also points to e-mails that Giuffre sent to the reporter Sharon Churcher, several months after their meeting, as she was drafting the manuscript. When Giuffre asked for help reconstructing the list of men she had compiled from looking at photographs, Churcher mentioned Dershowitz, writing that she and others suspected him of sexual misconduct, “and tho no proof of that, you probably met him.” Giuffre told me, “I can’t say what she was thinking, but I think she threw Alan into it forgetting that I had already mentioned him, even informed her of the experiences I had with him.”

When Giuffre’s allegations first became public, the *Daily News* quoted Dershowitz as saying that he never had a massage at Epstein’s home. After the story came out, he quickly asserted that he did have a massage there—though he said that it was given by a “fifty-year-old Russian woman named Olga,” and added, “I kept my underwear on.” In any case, he says, during the years that Giuffre lived with Epstein, he never met her; his travel records demonstrate that it was impossible. I examined the records for a few hours, though I wasn’t allowed to copy them. Every day had been accounted for, and in most cases there was documentation—a credit-card bill, a public appearance. But some of the dates were supported by only a handwritten datebook entry (“New York”), or by a telephone call from a landline, which could have been made by anyone at the address. And Dershowitz lived in New York from September, 2000, to June, 2001, when Giuffre was often with Epstein at his mansion. His schedule contains notations about meetings with “Jeffrey.”

In 2015, Dershowitz hired a security firm, led by the former F.B.I. director Louis Freeh, to look into Giuffre’s claims. Dershowitz provided a one-page summary of the inquiry, which said that investigators had “found no evidence to support the accusations.” The summary notes that Giuffre described seeing Al Gore and Bill Clinton on Epstein’s island, and said that Secret Service records showed no evidence of such a visit. (Gore and Clinton deny visiting the island, although Clinton has acknowledged taking multiple trips on Epstein’s plane.) The summary points to no other specific discrepancies. When *The New Yorker* asked Dershowitz to see supporting documentation for the report, he said that he didn’t have it; Freeh’s firm did not respond to requests for substantiation. Giuffre told me that Freeh’s investigators had never interviewed her.

≡

THE
NEW YORKER

2011, and said that it proved that she didn't mention him. I obtained a copy; the majority of it is redacted, including a list of individuals Giuffre identified from photographs.) Giuffre says that she named Dershowitz in 2009, to Katherine Ezell, the attorney in Miami. Ezell declined to comment, but in depositions from the time she questions witnesses about Dershowitz's visits to Epstein's house. Dershowitz says that Ezell's supervisor, Robert Josefsberg, assured him that no one had made any accusations against him in those years. But Josefsberg told me, "I have never told Alan Dershowitz—or anyone else—what this client or any other client has told me. He is wrong."

Dershowitz has also claimed that Boies must have known that his client was lying. He cites a telephone call, apparently recorded in secret, in which he and Boies discuss the possibility of settling the defamation suit. Dershowitz allowed me to listen to it, again refusing to let me make a copy. The recording has frequent stops and starts, and in many places is unintelligible. Dershowitz emphasizes a passage in which Boies imagines a conversation with Giuffre: "We know you believe that you had relations with Professor Dershowitz. . . . We have now reviewed the documentary evidence, and we are convinced that your belief is wrong." Boies told me that the conversation was hypothetical—a way of exploring how he might persuade an aggrieved client to accept a settlement, if Dershowitz could offer definitive proof. He also showed me an e-mail that he sent to associates afterward, speculating that Dershowitz had intended to gather evidence: "From the way he kept trying to put words in my mouth, I suspected he was taping the call."

This March, Dershowitz sent Giuffre and Boies a message on Twitter, seemingly trying to provoke a confrontation. "I challenge my accusers to tweet a direct accusation against me so I can sue them for defamation," he wrote. "They won't because they know they made up the story for money." Dershowitz argued that, by not making allegations in public, Giuffre and Boies were taking advantage of a legal principle known as the litigation privilege, which forbids defamation suits based on court testimony. Journalists, however, are permitted to report on that testimony—which can provide a canny lawyer with a safe way to release contested information to the public.

By the time Giuffre made her allegations about Dershowitz, she could no longer sue him for having abused her as a minor; the statute of limitations had expired. Dershowitz once offered during an interview to waive any statute that prevented Giuffre's claims from being tested in court—but when her lawyers asked him to waive it to allow a civil suit, he refused. The only way for Giuffre to test her allegations in court was in a defamation suit.

THE
NEW YORKER

In 2015, when Giuffre's allegations against Ghislaine Maxwell and Epstein became public, Maxwell called them "obvious lies." In September, Boies and McCawley filed a defamation suit against Maxwell on Giuffre's behalf, in the Southern District of New York. The judge, Robert Sweet, suggested that the scope of the case extended beyond Giuffre's claims about Epstein and Maxwell; it dealt, he wrote, with "a range of allegations of sexual acts involving plaintiff and non-parties to this litigation, some famous, some not." Maxwell settled just before a trial was to begin, in May, 2017. The amount was undisclosed, but Giuffre reportedly received a multimillion-dollar settlement.

The allegations in the Maxwell case did not leak to the press; Judge Sweet sealed all the documents. Among them was a sworn affidavit filed by a British-South African woman named Sarah Ransome, who joined the case as Jane Doe 43, and was represented, pro bono, by Boies and McCawley.

I recently spoke with Ransome, who is now thirty-four. She is voluble—"I'm South African, I'm not a wallflower"—but, she says, still deeply affected by her experience with Epstein. "The trauma I have gone through in the last ten years I wouldn't even wish on Jeffrey and Ghislaine," she said.

Ransome was introduced to Epstein in September, 2006, when she was twenty-two. She had gone through a painful breakup, and had dropped out of college in Edinburgh, because she couldn't afford the tuition. She decided to spend most of her remaining money on a flight to New York. "At twenty-two, you're so naïve," she said. "But I was in New York to make friends, to get over heartbreak, to try to get an education. You know, it's the land of dreams." Soon after she arrived, a new friend introduced her to Epstein, describing him as a philanthropist who used his wealth and his connections to help poor young women—if they gave him massages.

THE
NEW YORKER

As the massages turned sexual, Ransome said, she was given the use of a huge apartment in Epstein's building on the Upper East Side, along with a cell phone, a car-service account, and money for living expenses. Ransome said that she dreamed of studying at the Fashion Institute of Technology, and that Epstein and Maxwell promised to arrange her admission. For Ransome, as for the other women, these benefits depended on her having sex with Epstein and with his friends. In her affidavit, she named Dershowitz as one of those friends.

Ransome was another imperfect witness. In the fall of 2016, she had suggested to the *New York Post* that she had sex tapes of half a dozen prominent people, including Bill Clinton and Donald Trump—but couldn't provide the tapes when asked. (Ransome told me that she had invented the tapes to draw attention to Epstein's behavior, and to make him believe that she had "evidence that would come out if he harmed me.") In 2017, Boies represented Ransome in a lawsuit against Epstein for sex trafficking; last December, Epstein paid an undisclosed sum to settle. In a hearing, Maxwell's lawyer mentioned Ransome's allegation about Dershowitz, and the comment leaked to the press. Protected by the litigation privilege, it was reported in the *Daily News*, under the headline "SECOND WOMAN CLAIMS BILLIONAIRE PERV JEFFREY EPSTEIN 'DIRECTED' HER TO HAVE SEX WITH ALAN DERSHOWITZ."

Dershowitz denied that he had ever met Ransome. "The villain here is David Boies, who is exploiting a crazy woman in order to get revenge against me," he told the *Daily News*. He explained to me that he had filed charges against Boies and McCawley with the bar associations of New York, Florida, and Washington, D.C., registering a range of complaints. In them, Dershowitz again accused Boies and his associates of plotting extortion and encouraging perjury. He also argued that, in early 2015, a partner in Boies's firm had discussed representing him and had accepted a document outlining his strategy—even though the firm was already representing Giuffre. (Boies denied any impropriety, noting that the firm had more than three hundred lawyers and that his representation of Giuffre was closely held at the time.)

Dershowitz claimed that Boies had advanced Ransome's case in order to force him to abandon his complaints. "He threatened me that unless I withdrew the bar charges he would find somebody else to accuse me," he said. But Boies had agreed to represent Ransome in January, 2017, seven months before Dershowitz filed the charges. In any case, the judgments in all the bar complaints went against Dershowitz. In New York, the Grievance Committee for the Ninth Judicial District informed Boies's firm that "the Committee determined that there was no breach of the Rules of Professional Conduct on your part. Accordingly, the complaint was dismissed."

On July 6th, Epstein landed his private jet at Teterboro Airport, in New Jersey, returning from a trip to France. When he emerged from the plane, law-enforcement agents were waiting. He was taken into federal custody—part of an effort, led by the Southern District of New York, to revive his prosecution, based on new charges. That day, investigators broke open the door of his mansion on East

≡

THE
NEW YORKER

alongside an assumed name, with the country of residency listed as Saudi Arabia.

As reports of Epstein's arrest spread, more than a dozen women came forward to say that he had abused them, too. There was new scrutiny of the non-prosecution agreement, which Alexander Acosta had granted in 2008. Amid public outrage, Acosta resigned as Secretary of Labor. Speaking in his own defense, he argued that the agreement had been more stringent than what Barry Krischer, the state's attorney, had recommended.

This was a backhanded tribute to Dershowitz and Epstein's other defenders: without their legal efforts, Krischer would probably have recommended more significant charges. But Dershowitz was distancing himself from the case. In March, when reporters outside a court hearing asked him if he was still in touch with Epstein, he'd said, "You never stop being someone's lawyer. I'll always take his call." Now he told NPR, "I have no relationship with him."

On April 16th, Giuffre sued Dershowitz for defamation. Dershowitz said that he was eager for the fight, telling the *Daily News*, "This is the opportunity I've been looking for." In June, however, he filed a motion to dismiss Giuffre's complaint, along with a motion to disqualify Boies's firm from representing her. In mid-July, he went on Laura Ingraham's show, on Fox News, to assail Boies. "I have had sex with one woman"—his wife—"since the day I met Jeffrey Epstein. I challenged David Boies to say under oath that he's only had sex with one woman during that same period of time," Dershowitz said. "He has an abnormal amount of chutzpah to attack me and challenge my perfect, perfect sex life during the relevant period of time."

Dershowitz told me, "I have to be able to continue to defend myself in the court of public opinion. I need to be able to defend myself on television, to publicly declare the truth." But some media outlets no longer welcomed him. On "The View," the co-host Meghan McCain said, "I also don't think people like Alan Dershowitz should be on TV right now, while they're being accused of being involved. A lot of people have a lot to answer for."

Dershowitz responded with a column on Newsmax: "In 2008, according to the *New York Times*, Meghan McCain's own father—the late great Senator John McCain—was accused of sexual misconduct for an alleged relationship with a lobbyist 30 years his junior. I do not recall Meghan McCain calling for her father to be barred from television." In fact, the *Times* had reported no accusation of sexual misconduct—just McCain aides' unconfirmed speculation about an affair. During the spring and summer, as Dershowitz pressed his position, even some old allies were taken aback by his rhetoric. At one point, Epstein reacted to his statements in the news by e-mailing a friend, "Dershowitz is out of his mind."

If the case goes to court, it may reveal substantial new information. Both Dershowitz and Giuffre will be able to subpoena witnesses; they will also face cross-examination. Both sides have petitioned to unseal

THE
NEW YORKER

challenging me for years—‘Come say it in public, come say it in public.’ And I said, ‘You know what? Challenge accepted,’ ” she said. “I know he’s going to put up a good fight. But, at the end of it, I know we’re gonna win. We’ve got the truth on our side.” Dershowitz was equally assured. “I will proclaim my absolute innocence until the day I die,” he told me. “I have asked the F.B.I. to attend the trial, because it’s a hundred per cent certain that perjury will be committed.” He went on, “This will be the central part of my defense—that this was a frameup against me. I’m actually writing a book, ‘Suitable for Framing.’ ” ♦

This article has been updated to better reflect the circumstances under which Sue Barlach died.

Published in the print edition of the August 5 & 12, 2019, issue, with the headline “Devil’s Advocate.”

Connie Bruck has been a staff writer at The New Yorker since 1989. She has published three books, including “The Predators’ Ball.”

More: [Alan Dershowitz](#) [Lawyers](#) [Epstein](#) [Pres. Donald Trump](#) [“The View”](#) [Sexual Assault](#)

THIS WEEK’S ISSUE

Never miss a big *New Yorker* story again. Sign up for This Week’s Issue and get an e-mail every week with the stories you have to read.

Enter your e-mail address

Your e-mail address

Sign up

Will be used in accordance with our [Privacy Policy](#).

Read More

THE
NEW YORKER

THE JUDICIAL SYSTEM FINALLY CATCHES UP TO JEFFREY EPSTEIN

How was the multimillionaire hedge-fund manager able to carry on his lavish life style with impunity through the #MeToo movement and its fallout?

By Margaret Talbot

OUR COLUMNISTS

ALEX ACOSTA HAD TO GO, BUT THE JEFFREY EPSTEIN SCANDAL IS REALLY ABOUT MONEY AND PRIVILEGE

The issues raised by this saga go to the heart of the American class system, in which people of great wealth and social standing are able to buy their own brand of justice.

By John Cassidy

VIDEO

JOHN LITHGOW READS “ACOSTA AGONISTES”

The actor presents a prescient poem from his upcoming book, “Dumpty: The Age of Trump in Verse.”

By The New Yorker

THE
NEW YORKER

SECTIONS

[News](#)[Crossword](#)[Books & Culture](#)[Video](#)[Fiction & Poetry](#)[Podcasts](#)[Humor & Cartoons](#)[Archive](#)[Magazine](#)[Goings On](#)

MORE

[Customer Care](#)[Jigsaw Puzzle](#)[Buy Covers and Cartoons](#)[RSS](#)[Apps](#)[Site Map](#)[Newsletters](#)[About](#)[Media Kit](#)[Careers](#)[Press](#)[Contact](#)[Accessibility Help](#)[FAQ](#)



THE
NEW YORKER

Exhibit J

[Commentary \(/americanlawyer/commentary/\)](/americanlawyer/commentary/)

Why Is David Boies Bothering to Sue Alan Dershowitz?

Frankly, I thought I was done with my Dershowitz tour. Boy, was I wrong.

By **Vivia Chen** (<https://www.law.com/americanlawyer/author/profile/Vivia-Chen/>) | July 31, 2019 at 03:14 PM

f

in

t

http



David Boies, left, and Alan Dershowitz.

I think I speak for many people when I say that I have Dershowitz fatigue.

Even my teenage daughter has had enough. When I told her I was working on another column involving the Harvard Law prof, she rolled her eyes and said, “Oh, no! Dershowitz again?”

Alan Dershowitz is ubiquitous. You can’t turn on the TV without seeing him in the curious role of Trump defender. Now, with the Jeffrey Epstein case reigniting, Dershowitz is himself a news item, causing us to reexamine his role as the

Law Firms Mentioned

Boies Schiller Flexner (/search/?q=Boies+Schiller+Flexner&Submi

Trending Stories

- 1 **Ex-Davis Polk Associate Alleges Discrimination, Say He Was Repeatedly Sidelined** (/americanlawyer/2019/11/davis-polk-associate-alleges-discrimination-says-he-was-repeatedly-sidelined/)

NEW YORK LAW JOURNAL
(/NEWYORKLAWJOURNAL/)

- 2 **Lockstep Model Is Doomed, Says Recruiter Behind Clear Rainmaker Move** (/americanlawyer/2019/11/model-is-doomed-says-recruiter-behind-clear-rainmaker-move/)

THE AMERICAN LAWYER
(/AMERICANLAWYER/)

- 3 **Cuomo Appoints 5 New Justices to NY Appellate Division Departments** (newyorklawjournal/2019/appoints-5-new-justices-to-appellate-division-departments/)



billionaire's lawyer and rehash the sexual abuse allegations he still faces (two of Epstein's sex trafficking victims claimed he had sex with them).

In defense, Dershowitz has spilled details of his personal life (<http://nymag.com/intelligencer/2019/07/alan-dershowitz-jeffrey-epstein-case.html>)—like his claim to a “perfect sex life” (to show that he had

no reason to stray), his penchant for wearing underwear during massages (to show that he couldn't have engaged in sex with Epstein's victims), and his occasional skinny-dipping in the waters of Martha's Vineyard (not sure what that's supposed to show).

Now, everyone is delving into Dershowitz's psyche. The New Yorker just published an exhaustive 35-page analysis/profile (<https://www.newyorker.com/magazine/2019/08/05/alan-dershowitz-devils-advocate>) of the professor by Connie Bruck that entailed a year's worth of investigation. (Hey, most journalists are lucky to get 24 hours to report and write a story.)

So here I am, too—back in Dershland! But no worries—my focus is narrow.

Frankly, I thought I was done with my Dershowitz tour of duty. (I wrote a bunch of stories (<https://thecareerist.typepad.com/thecareerist/2016/04/alan-dershowitz-on-the-record.html>) about him, starting in 2015, when Epstein victim Virginia Roberts Giuffre alleged that he had sex with her.) After Dershowitz sued Giuffre's original lawyers for defamation, then settled, I thought the Epstein story and Dershowitz would both lose steam.

Boy, was I wrong.

So let me pick up where I left off in 2016: the brewing animosity between Dershowitz and David Boies. As I remember it, during one of our interviews, Dershowitz took umbrage that Boies (<https://www.law.com/almID/1202724439959/Boies-Takes-on-Dershowitz-in-Sex-Case/?mcode=1202615731542&curindex=0&/>), whom he regarded as a peer, would take on the representation of Giuffre, whom he deemed a liar.

(https://www.lawcatalog.com/grand-jury-practice.html?store=law_catalog)

Grand Jury Practice

(https://www.lawcatalog.com/grand-jury-practice.html?store=law_catalog) BOOK

Grand Jury Practice is the most comprehensive treatise available on how grand juries function. Thorough and pragmatic, it brings together statutory and case law, Justice...

Get More Information (https://www.lawcatalog.com/grand-jury-practice.html?store=law_catalog)



I always thought Boies was the cool cucumber next to the peppery Dershowitz. My sense was that Boies would ignore Dershowitz and wait for him to self-explode.

Well, Boies must be getting impatient. In April, Boies Schiller Flexner sued Dershowitz for defamation on behalf of Giuffre (he's called her a serial liar, extortionist, prostitute

NEW YORK LAW JOURNAL
(/NEWYORKLAWJOURNAL/)

- 4 **Trump Nominates 2 for Southern District of NY Judgeships, Seeks to Elevate Ala. Judge to 11th Circuit** (newyorklawjournal.com/2019/nominates-2-for-southern-district-of-ny-judgeships-seeks-to-elevate-ala-judge-11th-circuit/)

NEW YORK LAW JOURNAL
(/NEWYORKLAWJOURNAL/)

- 5 **Appellate Attorneys Shocked at Justice's Alzheimer's Diagnosis, Resignation** (texaslawyer.com/2019/11/06/appellate-attorneys-shocked-at-justice-alzheimers-diagnosis-resignation/)

TEXAS LAWYER (/TEXASLAWYER/)

([https://www.newyorker.com/magazine/2019/08/05/alan-dershowitz-devils-](https://www.newyorker.com/magazine/2019/08/05/alan-dershowitz-devils-advocate)

[advocate](https://www.newyorker.com/magazine/2019/08/05/alan-dershowitz-devils-advocate))—to name a few epithets, according to The New Yorker and other outlets).

One line in the complaint sums it up: “Mr. Dershowitz now has what he claims to have been looking for.”

Boies is essentially calling his bluff. “When we filed, Dershowitz said, ‘Oh, great, give me chance to prove my innocence,’” Boies told me during a lengthy phone call. “And now he’s doing everything to stop it,” citing Dershowitz’s motion to dismiss the case.

In an email response, Dershowitz wrote, “We’re not stalling. We have filed every document in a timely manner. I need to preserve my First Amendment rights to continue to truthfully assert my innocence. Hence my motion to dismiss. I want all the facts to come out. That’s why I have been aggressively seeking to unseal everything.”

That strikes me as a throw-everything-in-the-kitchen-sink type of response. Whatever.

I’m more intrigued by this question: What’s driving Boies to sue Dershowitz for defamation at this stage? As far back as I can remember, Dershowitz has been trashing Giuffre .

“He really gave us no choice,” explained Boies. “We avoided bringing this for more than four years. I would have been happy not to hear from Alan Dershowitz in this context again. But the problem is that he believes that if he quacks loudly enough and outrageously enough, people will focus on what he’s saying and not the underlying conduct.”

Sure, Dershowitz pushes people’s buttons, but isn’t Boies playing into his hands by giving him the limelight he seems to crave?

“No,” said Boies. “Because he was just as loud and accusatory before. He made statements in the past, and we didn’t sue him, then he made more outrageous statements. He publicly said that Virginia was guilty of extortion and perjury and challenged her to sue for defamation.” He added, “He’s desperate to detract attention from the underlying accusation. People who have good defenses present those defenses. Those who don’t engage in ad hominem attacks.”

Boies suggested that it’s time to draw a line in the sand: “He’s attacked everyone who’s tried to help victims—Paul Cassell and Brad Edwards [Giuffre’s original lawyers], detectives and state law enforcement people.”

And, of course, Dershowitz has not spared Boies, calling him an “extortionist” and “ethically challenged,” according to the New Yorker article. So why not just sue Dershowitz directly, I asked?

“It’s crossed my mind, but I don’t think most people take what he says seriously,” answered Boies. He drew a distinction between his position as public figure and that of someone like Giuffre. “I have access to media, and I can fight it out in public. It’s different for people who don’t have that access. The hurdle for me is different than a victim of sex trafficking, who has to deal with families and neighbors hearing those attacks.”

So is Boies saying he’d never, ever sue Dershowitz?

"I've given serious thought to fight the extortion allegation," said Boies, alluding to Dershowitz's claim that Boies is going after him in order to get money from a much bigger fish: billionaire Leslie Wexner, who was instrumental in building Epstein's wealth. **Dershowitz's theory of being used as a "stalking horse"** (<http://nymag.com/intelligencer/2019/07/alan-dershowitz-jeffrey-epstein-case.html>) in this context is convoluted, though New York Magazine takes a good stab at explaining it.

Boies added: "I'm probably not suing him, but I'm not ruling anything out with that guy."

So is Dershowitz worried that Boies could come after him? In an email, he responded: "Truth is an absolute defense."

I've never known the Harvard professor to give such a brief answer, but I assume he's got his hands full after that scathing New Yorker piece.

Anyway, with the resources of a big firm like Boies Schiller bearing down on him, I asked Dershowitz whether he'd consider settling, or if he's damned determine to get his day in court.

"I will settle only if Roberts admits she never had sex with me," wrote Dershowitz in an email response.

As for rumors that his insurance is running out to cover these claims, especially after the **payout he reportedly made to Giuffre's lawyers** (<https://thecareerist.typepad.com/thecareerist/2016/04/dershowitz-settles-case-involving-allegations-of-sex-with-minor.html>) Cassell and Edwards in the defamation settlement, Dershowitz offered this: "Boies has told people that if he can't beat me in court, he can at least bankrupt me. He won't do either. "

Perhaps not. Yet, you have to wonder where Dershowitz is going with all this. But let me stop here before I add to the pile of analysis, parsing and speculation about what's triggering our favorite Harvard professor.

In the meantime, I'm going to assume my coverage of Dershowitz and Boies ain't finished. Not by a long shot.

Related post: **David Boies Is Not Finished with Jeffrey Epstein** (<https://www.law.com/2019/07/26/david-boies-is-not-finished-with-jeffrey-epstein/>).

Contact Vivia Chen at vchen@alm.com. On Twitter: @law careerist.

f SHARE t SHARE

Vivia Chen

Vivia Chen is a senior columnist at The American Lawyer and the creator of The Careerist blog.

More from this author → (<https://www.law.com/americanlawyer/author/profile/Vivia-Chen/>)

FEATURED PRODUCT

 **Higher Law**
(/briefings/higher-law/)

Cannabis & the Legal Industry

Cheryl Miller tracks law firm cannabis practices and clears the haze around the biggest legal issues. Sign up for the weekly Higher Law newsletter.

[Learn More \(/briefings/higher-law/\)](#)

[\(https://www.law.com/americanlawyer/author/profile/Vivia-Chen/\)](https://www.law.com/americanlawyer/author/profile/Vivia-Chen/)

Dig Deeper

[Career Development \(/topics/career-development/\)](#)

[Criminal Law \(/topics/criminal-law/\)](#)

Recommended Stories

[This McKinsey/Lean In Report Will Make You Depressed and Frustrated \(https://www.law.com/americanlawyer/2019/11/04/this-mckinseylean-in-report-will-make-you-depressed-and-frustrated/\)](https://www.law.com/americanlawyer/2019/11/04/this-mckinseylean-in-report-will-make-you-depressed-and-frustrated/)

[VIVIA CHEN \(/AMERICANLAWYER/AUTHOR/PROFILE/VIVIA-CHEN/\)](#)

| NOVEMBER 04, 2019

There are some bright spots—sort of—in the report, now in its fifth year. But mostly, it's a big downer.

[Women Are Like Pancakes \(https://www.law.com/americanlawyer/2019/10/28/women-are-like-pancakes/\)](https://www.law.com/americanlawyer/2019/10/28/women-are-like-pancakes/)

[VIVIA CHEN \(/AMERICANLAWYER/AUTHOR/PROFILE/VIVIA-CHEN/\)](#)

| OCTOBER 28, 2019

A seminar at accounting firm EY, which has received much bad press, draws curious distinctions between men and women.

[How Fashionable Is Your Firm's Diversity Program? \(https://www.law.com/americanlawyer/2019/11/01/how-fashionable-is-your-firms-diversity-program/\)](https://www.law.com/americanlawyer/2019/11/01/how-fashionable-is-your-firms-diversity-program/)

[VIVIA CHEN \(/AMERICANLAWYER/AUTHOR/PROFILE/VIVIA-CHEN/\)](#)

| NOVEMBER 01, 2019

Maybe it's flippant to equate diversity efforts with lipstick selection, but I think the analogy is apt.

Featured Firms

Law Offices of Gary Martin H Associates P.C.

620 GLEN IRIS DR NE SUITE 102
ATLANTA, GA 30308
(470) 294-1674 www.garymartinhay.com

Law Offices of Mark E. Salom

2 OLIVER ST #608
BOSTON, MA 02109
(857) 444-6468 www.marksalomone.com

Smith & Hassler

1225 N LOOP W #525
HOUSTON, TX 77008
(713) 739-1250 www.smithandhassler.com

Presented by Big

More from ALM

Resources

CLE Center

Legal Compass

Events

Webcasts

Lawjobs

Professional Announcements

The Power of Partnerships in Legal Technology

(<http://americanlawyer.tr>)

FROM THOUGHTRIVER

Is your law firm missing out on opportunities from existing IP to generate additional value and ultimately revenue through an additional partnership? Download this playbook to learn what your firm might be missing out on.

Download Now >
(<http://americanlawyer.tradepub.com/free>)

Bearing Witness: Data-Driven Expert Witness Research Propels Competitive Edge

(<http://americanlawyer.tr>)

FROM LEXISNEXIS

An expert witness can make or break a case. What if you could determine in minutes how many times a potential expert has testified, how many times his or her testimony has been excluded, the verdicts associated with the testimony, and more? This info brief explains how.

Download Now >
(<http://americanlawyer.tradepub.com/free>)

Managing Multilingual Litigation Efficiently

(<http://americanlawyer.tr>)

FROM DIVERGENT

Discover how your firm can efficiently navigate the challenges of high-stake multilingual litigation to generate value and success for your clients.

Download Now >
(<http://americanlawyer.tradepub.com>)

ALM Legal Publication Newsletters

Sign Up Today and Never Miss Another Story.

Subscribe Now

As part of your digital membership, you can sign up for an unlimited number of a wide range of complimentary newsletters. Visit your [My Account \(https://store.law.com/registration/login.aspx?promoCode=TAL\)](https://store.law.com/registration/login.aspx?promoCode=TAL) page to make your selections. Get the timely legal news and critical analysis you cannot afford to miss. Tailored just for you. In your inbox. Every day.

(<https://store.law.com/registration/promoCode=TAL>)
[Privacy Policy \(https://www.alm.com/privacy-policy-new/\)](https://www.alm.com/privacy-policy-new/)

FOLLOW US

(<https://www.facebook.com/LawdotcomALM/>)
(<https://twitter.com/lawdotcom>)
(<https://www.linkedin.com/company/law-com/>)
(<http://feeds.feedblitz.com/law/legal-news/>)

Publications	Law Topics	Rankings	More	Law.com
The American Lawyer (/americanlawyer/)	Litigation (/topics/litigation/)	Am Law 100 (/americanlawyer/rankings/the-2019-am-law-100/)	Events (/events/)	About Us (/static/about-us/)
Corporate Counsel (/corpcounsel/)	Deals and Transactions (/topics/deals-and-transactions/)	Am Law 200 (/americanlawyer/rankings/the-2018-am-law-200-the-american-lawyer/)	Legal Compass (https://www.alm.com/intelligence/solutions-we-provide/business-of-law-solutions/legal-compass/)	Contact Us (/static/contact-us/)
National Law Journal (/nationallawjournal/)	Law Firm Management (/topics/law-firm-management/)	Global 100 (/americanlawyer/rankings/global-100/)	Editorial Calendar (/editorial-calendar/)	Site Map (/static/site-map/)
New York Law Journal (/newyorklawjournal/)	Legal Practice Management (/topics/legal-practice-management/)	National Law Journal 500 (/nationallawjournal/rankings/the-nlj-500/)	Briefings (/static/briefings/)	Advertise With Us (/static/advertise-with-us/)
New Jersey Law Journal (/njlawjournal/)	Cybersecurity (/topics/cybersecurity/)	Pro Bono Scorecard (/americanlawyer/rankings/pro-bono/)	Legal Dictionary (https://dictionary.law.com/)	Customer Support (https://www.alm.com/customer-support/)
The Recorder (/therecorder/)	Intellectual Property (/topics/intellectual-property/)	The A-List (/americanlawyer/rankings/a-list/)	Lawjobs.com (http://lawjobs.com/)	Terms of Service (https://www.alm.com/terms-of-service/)
More Publications > (/publications/)	More Law Topics > (/topics/)	More Rankings > (/rankings/)	Law Firms (/lawfirms/)	FAQ (/sites/almstaff/2017/10/20/faq/)
			Law Schools (/topics/legal-education/)	Privacy Policy (https://www.alm.com/privacy-policy-new/)

Exhibit K

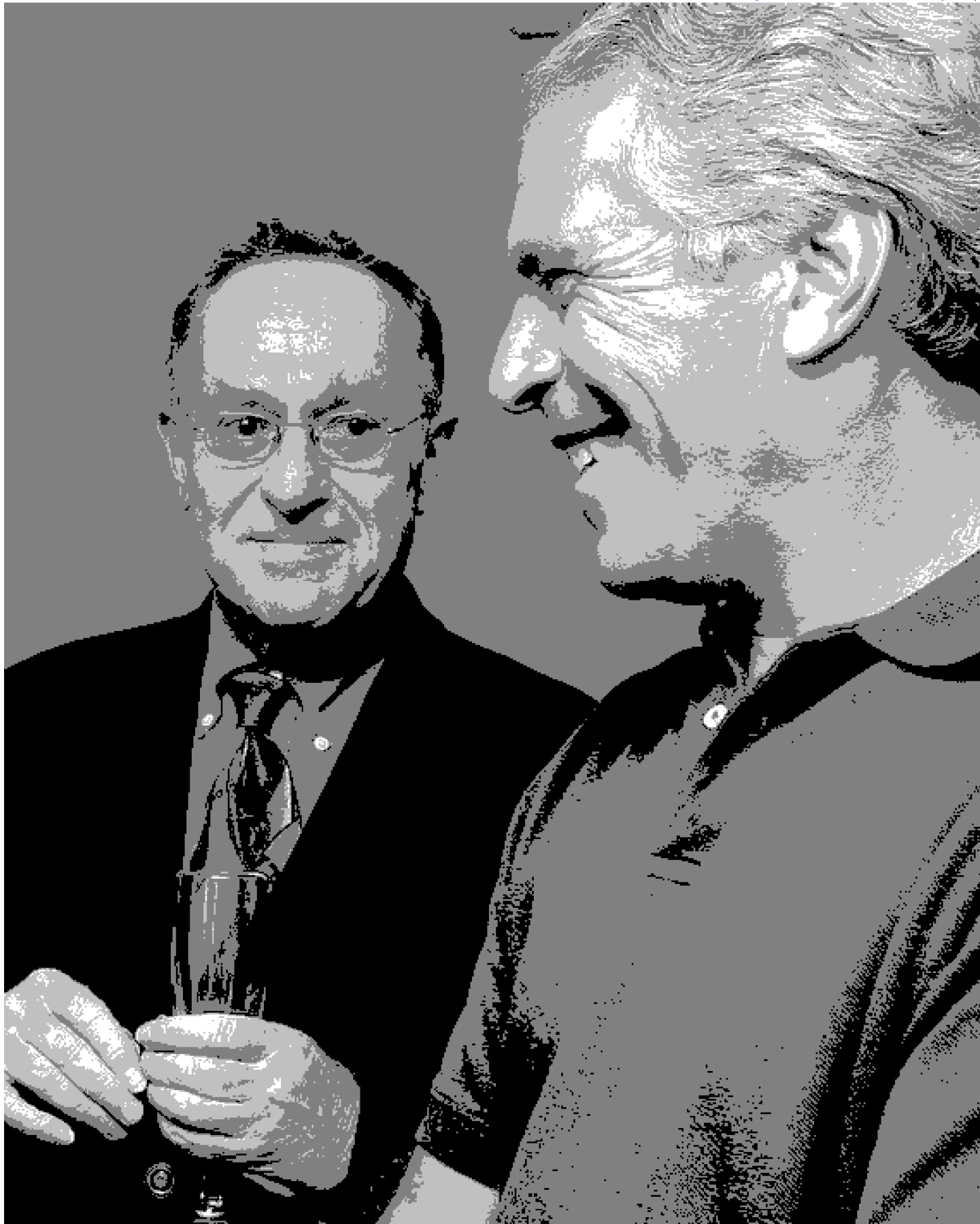
Intelligencer



JEFFREY EPSTEIN CASE | JULY 19, 2019

Alan Dershowitz Cannot Stop Talking Accused of a slew of terrible things, the defense has no intention of resting.

By Andrew Rice



Alan Dershowitz with Jeffrey Epstein at Harvard in 2004. Photo: Rick Friedman/Polaris

ne morning in July, days after his onetime client Jeffrey Epstein was arrested on sex-trafficking charges, the famed attorney Alan Dershowitz was reminiscing as he drove the

Owinding roads of Martha's Vineyard. "I first came here to defend Ted Kennedy," he said. "I got a call: 'The senator has driven off a bridge.'" A woman drowned; the powerful man escaped serious consequences. Dershowitz liked the island and has been coming back for 50 years. He turned his old Volvo station wagon onto an unpaved road leading into the woods, and brought the conversation to his personal crisis. Of all of the many men on the long list of socialites, billionaires, and politicians associated with Epstein, the shadowy financier with a predilection for underage girls, perhaps no name had been tarnished as seriously as Dershowitz's. As Epstein's lawyer, he had helped him to thwart prosecutors; as his houseguest, he was accused of enthusiastically joining in Epstein's alleged sexual abuse.

"It's a horrible thing to be accused like this," Dershowitz said as the gravel crunched beneath his tires. In the proceedings of a federal civil lawsuit brought by two women, Dershowitz has called the allegations "vicious lies." In combative media appearances, he has alleged he was the target of a complex extortion plot, coordinated by the lawyer of his accusers, the equally renowned attorney David Boies. "I know the truth," Dershowitz told me. "I know that I am a victim of a serious crime, a crime of perjury." For years, the legal saga had been mostly ignored outside the tabloids. Then Epstein's shocking arrest jolted it to life. Now, Dershowitz was howling into a whirlwind, trying to prove to the world that he hadn't done the indefensible.

ADVERTISEMENT



Dershowitz led me into his summer house, which is crowded with art — vintage political posters in the stairwell, Roy Lichtenstein over the couch — and mementos of his life in the courtroom and at Harvard University, where he was a professor at the Law School until he retired a few years ago. In the sunny dining room, which looked out on the pool, a large stack of spreadsheets was waiting on the table. They were a detailed breakdown, Dershowitz said, of

his whereabouts and activities during the years his primary accuser, a former member of Epstein's entourage named Virginia Giuffre, says that Dershowitz had sex with her when she was a teenager in New York, Palm Beach, and other locales. "Every single one of those days is accounted for," he said. On August 1, 1999, for instance, the spreadsheets say he stayed on the Vineyard and had a meeting with a certain "Prince Bandar." (Dershowitz later clarified it wasn't the famous Saudi prince.)

After a few minutes, Dershowitz's wife, Carolyn Cohen, a neuropsychologist, and his grown son, Elon, a film producer, joined us at the table. For the next few hours, Dershowitz presented his defense, with Cohen acting as his co-counsel, handing him papers. "I want to be as much a part of it as I can be," Cohen said, "because first of all, it makes me feel less helpless. I think it's so outrageous." From time to time, Dershowitz would step out of the room to call his lawyer. He told me that the next day he was scheduled to have a long phone call with the *New Yorker* writer Connie Bruck, who was nearing the end of a yearlong investigative profile. "The story is designed to destroy my career," Dershowitz said. It was quite possible, however, that the deed had already been done.

Dershowitz, now 80, is his generation's answer to Clarence Darrow, the legendary "Attorney for the Damned." He was nice to have on your side if you were innocent, but his real specialty was representing the despicably guilty. During his heyday, which coincided with the golden era of the celebrity lawyer, he was a recognizable face — bookish glasses, mustache, big red bushy hair — in the middle of countless front-page crimes stories. He represented the junk-bond king Michael Milken, the biggest crook on Wall Street in the 1980s. He was part of the "dream team" of attorneys that defended O.J. Simpson. When I visited his downstairs bathroom, I noticed it was decorated with cheeky photos: he and Leona Helmsley on the cover of this magazine; O.J. breaking free on the gridiron; the accused wife-poisoner Claus von Bülow, grinning in medieval-style stocks. (His victory in the von Bülow case was made into a film, *Reversal of Fortune*, which was co-produced by Elon.)

*Get unlimited access to **Intelligencer** and everything else New York*

LEARN MORE »

Dershowitz no longer resembles the man he was when he was younger. The mustache is gone, his hair is now gray and close-cropped. Under personal attack, his trademark zeal has veered into something more uncontrolled — a feral defensiveness. A few days after our meeting, he would publish an online essay preemptively attacking Bruck's unpublished article and accusing *New Yorker* editor David Remnick of ordering up a "hit piece" aimed at "silencing my defense of President Trump, Prime Minister Netanyahu, and the State of Israel." (Remnick

declined to comment.) He has been perhaps inadvisably willing to talk, and talk, and talk, answering every request for comment (including mine). Dershowitz portrays the women accusing him as mere money-hungry instruments of his nefarious — male — enemies. It is not a strategy that makes him appear particularly sympathetic, and he knows that, but he really can't seem to help himself.

“The new standard is that sexual offenses are so heinous that even innocence is not a defense,” Dershowitz said. “I’m not supposed to say she’s lying because that’s a political sin. But there’s never been a case of greater proof of innocence.”

As for Boies, the supposed mastermind of his misery, Dershowitz is intent on fighting a reputational battle to the death. Last night, on Fox News, he accused his nemesis of having “an enormous amount of chutzpah to attack me and challenge my perfect, perfect sex life.” He declared his faithfulness to his wife, before proclaiming: “I challenge David Boies to say under oath he’s only had sex with one woman.” (Boies told me: “This is simply more evidence of how desperate Mr. Dershowitz is to distract attention from the evidence of his misconduct.”)

████████████████████



an office near the school, gave it millions, and hosted seminars that brought together academics from different disciplines.

“By the time I got to know him, I had already represented a lot of very, very wealthy people,” Dershowitz said. “I was much more interested in his quirky mind.”

“It turns out to be a lot quirrier than we thought,” Cohen added. She said she was less charmed when she met Epstein. “I just remember thinking he was very screwed up in his attitude about relationships,” she said. “This was a clinical-psychology analysis, that he was really immature, messed up, and I didn’t particularly like him.”

For around a decade, Dershowitz kept casual company with Epstein, who introduced him to his friends, like Ghislaine Maxwell, a British heiress who acted as his right hand, and Prince Andrew, whom Epstein called “Andy.” (Dershowitz said he and the prince didn’t end up getting along because they disagreed about Israel.) Dershowitz visited Epstein’s mansions in New York and Palm Beach and occasionally accompanied him on his private plane. Dershowitz says these trips were family-oriented. Once, Epstein lent him the Palm Beach home so he could

attend a granddaughter's soccer tournament. Another time, he and his nephew flew down to watch a space launch with another Epstein connection, a top NASA official. He and Cohen once stayed with Epstein on his island in the Caribbean, where they were joined by another Harvard professor and his family.

When Epstein first started to attract media attention around the year 2000, mainly because of his friendship with former president Bill Clinton, Dershowitz served as a character witness for the reclusive financier. He told *Vanity Fair* that he shared manuscripts of his books with Epstein before they were published and swore that his money was irrelevant. "I would be as interested in him as a friend if we had hamburgers on the boardwalk in Coney Island and talked about his ideas," he told the magazine. But Dershowitz says their interactions took a sharp turn in 2005, when Epstein faced a local police investigation into his relations with underage girls in Palm Beach and Epstein hired him as a lawyer. Today, Dershowitz claims they were never really friends despite their proximity.

"He was an acquaintance," he said. "In retrospect, I wish I hadn't taken the case, but I didn't see a problem with taking the case. We didn't have a close, personal relationship."

The first phase of Epstein's legal troubles began when the parents of a 14-year-old girl reported to the Palm Beach police that she had been hired to give him a massage and was then molested. Over the next seven months, according to an investigative series in the *Miami Herald*, detectives identified 21 potential victims. By that time, Epstein had heard rumors about the investigation and had assembled a legal team, including Dershowitz. In a letter, Epstein's Palm Beach defense lawyer introduced Dershowitz to prosecutors as "a close friend of Mr. Epstein's."

Dershowitz now claims his involvement in the case was superficial. "Remember, I'm a legal-lawyer," he said, saying his role, as an eminent Harvard professor, was limited to providing "big picture" guidance. But the records of the Palm Beach investigation include a letter from Dershowitz that delves into the seamy details, describing the work of Epstein's private detectives, and questioning the character of one of his accusers. (It related that her social-media posts showed an "apparent fascination with marijuana.") "I'm not sure I've ever seen this letter," Dershowitz said when I showed it to him. He pointed out that it appeared to have been signed on his authorization by Epstein's local attorney.

While Dershowitz said that he "was occasionally presented with investigative reports," he contended that he was under the impression that his client's accusers were mainly adult

women. “He was facing charges for having had sexually oriented massages with mostly 18-year-olds and 19-year-olds, but, as he put it, some 17-year-olds ‘slipped through the cracks,’” Dershowitz said. “When I negotiated with the state attorney, the words 14, 15, 16 never came up.” This is hard to believe. When Epstein was indicted in 2006, the headline in the Fort Lauderdale *Sun-Sentinel* was: PALM BEACH RESIDENT FACES SOLICITATION CHARGE; BUSINESSMAN ACCUSED OF SEX WITH MINORS.

The state indictment, on just a single count, represented a victory for Epstein’s lawyers. The local police were furious, and they called on the FBI to get involved. To deal with the federal investigation, Epstein hired a bunch of Washington lawyers, including Kenneth Starr, to negotiate with President Bush’s appointees at the Justice Department. Dershowitz was a Democrat, but he remained involved and participated in at least one of the now-notorious meetings between Epstein’s legal team and Alex Acosta, who was then the U.S. Attorney for South Florida. “At that meeting, we had a big-picture negotiation, and I presented my legal theory, which I had worked out very carefully, that there was no federal nexus here,” Dershowitz said. Prosecutors would have to argue that Epstein’s sexual offenses had involved interstate activities. “I said, you’ll never prove that, that this was a state case at bottom, not a federal case,” he said. “It was a very academic presentation.”

Acosta ultimately approved a deal granting immunity from federal charges to Epstein, along with “any potential co-conspirators,” in return for his guilty plea to two felony prostitution charges in state court. Epstein served 13 months in the Palm Beach County jail, in a private wing where Dershowitz visited him on New Year’s Day 2009. The plea bargain was inexplicably lenient. “You can complain that maybe I did too good a job,” Dershowitz would later tell a television news reporter in Florida. “Hey, I’m pleading guilty.” But Acosta’s office failed to properly notify Epstein’s accusers about the terms, in apparent violation of the federal Crime Victims’ Rights Act. Years later, the Miami *Herald* articles about deal would lead to a public outcry, a renewed federal investigation in New York, and Acosta’s ouster from his job as secretary of Labor. But at the time, reaction was muted; few news outlets even covered the plea.

But one group of people were outraged, Epstein’s alleged victims, and that set off a third phase of litigation. The civil lawsuit *Jane Doe v. United States of America* was filed in 2008 in an effort to invalidate the federal non-prosecution agreement. For six years, though, the case seemed to be going nowhere. Dershowitz moved on to other controversies and published seven books. He says he had little further contact with Epstein, who returned to his mansions and his life as jet-setting libertine. Then, in December 2014, there was a shocking development in the *Jane Doe* lawsuit. Lawyers representing the alleged victims filed a motion

on behalf of an unnamed woman, who turned out to be Virginia Giuffre. She had previously claimed in an interview with the *Daily Mail* that she had been sexually involved with Epstein as a teenager, after being spotted by Maxwell at Mar-a-Lago, where she worked as a towel girl. Now, in an affidavit, she claimed she had been an underage “sex slave” to Epstein.

In their motion, the pair of attorneys behind the *Doe* case — a former prosecutor named Bradley Edwards and a retired federal judge, Paul Cassell — claimed that Epstein, for purposes of pleasure and blackmail, had also paid Giuffre to have sex with numerous high-profile individuals, including “prominent American politicians, powerful business executives, foreign presidents, a well-known prime minister and other world leaders.” Her affidavit named two of these “friends and acquaintances” of Epstein: Prince Andrew and Alan Dershowitz. Cassell and Edwards claimed that Dershowitz had a conflict of interest in negotiating a deal that involved immunity for co-conspirators, and it should therefore be invalidated. A judge would later deny the motion and order it stricken from the court record, finding the “lurid details” were “immaterial and impertinent” to the case. But by that time, largely because Prince Andrew was involved, the story was everywhere. (Buckingham Palace denies he committed any wrongdoing.)

“We thought it was comical in the beginning,” Cohen said. “Until we realized people were taking it seriously.” Dershowitz later came to believe that the affidavit was the bait in a carefully planned trap. And he thinks he knows who laid it: David Boies.

I first met Dershowitz last year, when I was working on a profile article about Boies, one of the few attorneys in America who can match his level of public prominence. Boies had had a long and illustrious career in the courtroom — he argued the antitrust case against Microsoft and Al Gore’s side of *Bush v. Gore* — and a history of taking on worthy causes, like gay marriage, but he was at the nadir of his own scandal over the revelation of his role in covering up the alleged abuses of his longtime client Harvey Weinstein. While he was down, Dershowitz was up, or at least on TV a lot, reveling in his contrarian position on the Russia investigation and visiting the White House to discuss legal strategy with Donald Trump. I knew that Boies and Dershowitz were embroiled in some weird litigation over the Epstein case. A feud between two of the most well-known names of a legal generation — at 78, Boies is two years younger — seemed like ripe material.

When I asked about Boies, Dershowitz invited me right over to his Manhattan apartment, where he described an improbable-sounding conspiracy with Boies at its center. “He’s not a

lawyer,” he said. “He’s an extortionist.” The story seemed contorted and impossible to confirm, and I didn’t write about it. But in recent months, Dershowitz has managed to thrust it into public view.

According to Dershowitz’s theory, Giuffre’s allegations were never meant to stand up in court. He argues he was merely a “stalking horse,” meant to provide an embarrassing example to another man: the billionaire Leslie Wexner, whom he had heard Giuffre had also accused. “The decision to name me publicly,” Dershowitz alleges in a recent court filing, “was calculated to send the following message to Wexner: If you don’t want to have happen to you what happened to Alan Dershowitz, you should settle the complaint against you, even though the statute of limitations has long expired.”

At least some portions of his theory have turned out to be true. Although Dershowitz didn’t come to know it until much later, Boies was involved in the Epstein litigation as early as June 2014, six months before Giuffre filed her affidavit in the *Doe* case. Giuffre’s lawyers asserted that Epstein “lent out” their client to his powerful friends, and they wanted to bring in a heavy hitter. Boies met with Giuffre that July, and decided to represent her for free, with an understanding that his firm might later receive a contingency fee in the event of a financial settlement. He claims, however, that he did not press her to name the other men she was accusing of abuse.

One of Giuffre’s lawyers, Stanley Pottinger, says in an affidavit, that that fall they developed information that Leslie Wexner “was alleged to have had sex with one or more of Mr. Epstein’s girls, including Ms. Giuffre.” He says he informed Boies to make sure this did not present a conflict for his law firm. Boies replied that he knew Wexner only socially, and said his firm would investigate. That December, one of his partners wrote a letter to Wexner, “regarding possible claims against him.” The same month, Giuffre’s other lawyers, down in Florida, publicly filed the affidavit naming Dershowitz.

“It’s exactly the same time,” Dershowitz said. “That cannot be a coincidence.”

The allegations against Wexner were handled more discreetly than those about Dershowitz. Boies had three conversations with Wexner’s lawyers in 2015, after which the allegations were quietly dropped. But Boies has asserted in an affidavit that “no settlement demand was ever made, or even discussed.” Dershowitz asserts that if no money was exchanged, it must be because Giuffre’s allegations were disproved. Neither Wexner’s lawyer nor Boies would comment on the discussions. After Epstein’s arrest, Wexner wrote in a memo to his company employees that he “was NEVER aware of the illegal activity charged in the indictment.” In a

legal filing, Dershowitz says that Wexner's wife and lawyer told him that they viewed the approach from Boies as a "shakedown."

Boies says that because the motion accusing Dershowitz was made by other lawyers, Edwards and Cassell, he wasn't even aware that Giuffre was making the claim. Pottinger has said he only told Boies when the motion was filed. "When I informed Mr. Boies," Pottinger says in his affidavit, "he told me that while he was aware of Mr. Dershowitz's reputation for running naked on beaches in Martha's Vineyard and hitting on students and girlfriends of students, he was disappointed to learn of his involvement with someone as young as Virginia." When I read this sentence to Dershowitz he gave an amused look to his wife and admitted that he has occasionally gone skinny-dipping at a nude beach near his house. But he denied the part about hitting on students.

It seems inconceivable that Boies, a litigator known for his piercing powers of perception, would have been unaware of one of his client's most explosive claims, and his co-counsels' plans to detonate them in public. On the other hand, he points out an obvious logical flaw in Dershowitz's shakedown theory. "What in the world would lead someone to use Alan Dershowitz as a stalking horse, for heaven's sake?" Boies said. Whatever else he may be, Dershowitz is no one's idea of a patsy.

"Boies never targeted Dershowitz," Pottinger told me. "There's no way that these two giants would take on each other gratuitously." He says that Boies questioned the strategy of naming the media-friendly lawyer, saying the inevitable controversy would distract attention from the real quarry, Epstein, and the big issue, human trafficking.

Sure enough, after the affidavit was filed, Dershowitz went on CNN and the *Today* show, where he attacked Giuffre and predicted her "unethical" lawyers would be disbarred. The "worldwide media rampage," as Edwards and Cassell later described it, opened the way for the next round of litigation: the defamation cases. Court proceedings are legally privileged, meaning Dershowitz could not sue Giuffre for what she claimed in her affidavit, but his media appearances enjoyed no such immunity. In 2015, citing his comments on TV, Edwards and Cassell sued him for defamation in Florida state court. He suspects that was part of the plan all along.

"They expect me to remain silent in the face of an accusation like that?" Dershowitz said. "It's a sleazy tactic. That's the Boies tactic."

At the time the defamation suit was filed, though, Dershowitz still wasn't aware that Boies was his opponent. After his *Today* appearance, he even received a supportive email from a lawyer in the firm of Boies Schiller Flexner, with whom he had worked in the past. "Thank you for your kind words," Dershowitz wrote back. "I would love your help." The lawyer, who claims he was unaware of the boss's role, said he would be willing to represent him in the defamation case. Dershowitz discussed the lawsuit with him and sent along a memo that he describes as "the whole strategy of my defense." Soon after, the lawyer wrote back, saying the firm had informed him of a conflict, "the nature of which we are not at liberty to discuss." It wasn't until later that Dershowitz discovered Boies was representing his accuser. He would file four separate bar complaints, claiming Boies and his firm acted unethically. None of them have resulted in sanctions.

The defamation case gave Giuffre's attorneys a chance to gather evidence, including Dershowitz's sworn testimony in a series of depositions. Giuffre claimed to have had sex with Dershowitz on Epstein's private plane. The lawyers turned up flight manifests that showed the lawyer sometimes flew on it, although there was no record of him and Giuffre on the plane together. They cited testimony from former household employees who said they saw him around when Epstein had girls over to give massages. Dershowitz claimed that, because of the layout of the Palm Beach compound, he was unaware of what Epstein did in his private quarters and admits to receiving just one massage himself, from an older Russian woman named Olga. He has said he kept his underwear on and didn't enjoy it, a claim met with derision most everywhere except within his family. Elon recalled that years ago, a rough masseuse gave his father a shoulder injury.

"He always, always brings it up, and says, 'I hate massages,'" Elon said.

By the spring of 2015, as media interest receded, Dershowitz attempted to put his dispute with Giuffre to rest. He reached out to Boies via an attorney named David Stone, who had worked with both of them in the past. They had a series of meetings where Dershowitz tried to convince Boies that he had been wrongly accused. He proposed to show Boies the spreadsheets listing his whereabouts, Stone says in an affidavit, and suggested that Giuffre might be confusing him with another Epstein friend. That fall, he began surreptitiously taping his phone calls with Boies. He has played snippets of the calls for me and other reporters, but they are difficult to interpret out of context. Throughout the process, Stone says, Boies made noncommittal comments that Dershowitz appeared to read too much into, as he held out hope for a retraction.

“Let’s keep trying. We are not THAT far apart,” Dershowitz wrote in a December 2015 email to Boies. He suggested that Giuffre issue a statement reading: “The events at issue occurred approximately 15 years ago when I was a teenager. Although I believed then and continued to believe that AD was the person with whom I had sex, recent developments raise the possibility that this may be a case of mistaken identification.”

Boies was not interested. He claims he told Dershowitz in late 2015 that the firm was “increasingly uncovering evidence” that undermined his denials, including inconsistencies in his travel records. In 2016, the Florida defamation case ended with an undisclosed financial settlement and a joint statement in which Edwards and Cassell said that “it was a mistake to have filed sexual misconduct accusations against Dershowitz.” (The lawyers, who declined to comment, clarified in a subsequent legal filing that they feel their mistake was merely “tactical.”) But Boies was pressing forward with a second defamation lawsuit, between Giuffre and Ghislaine Maxwell, whom she had alleged was also “heavily involved in the illegal sex.”

The Maxwell case allowed Boies to amass an enormous volume of evidence about the activities of Epstein and his associates. He also turned up a second Dershowitz accuser, a former model named Sarah Ransome. She has alleged in a sworn statement that when she was in her 20s, she performed numerous sexual favors for Epstein and had a threesome with another woman and Dershowitz at the New York mansion.

“You meet David Boies, magically you remember that you had sex with Alan Dershowitz,” Dershowitz said bitterly. As an 80-year-old academic, he said some of the stories — threesomes, airplane trysts, group sex in Epstein’s limousine — sounded “so phantasmological.” He recognizes that the #MeToo movement has surfaced numerous accounts of preposterous-sounding sexual misbehavior by prominent and respected men, and almost all of them have turned out to be true. But he swears he is different.

“Mine is the only case, singular, *the only one*, where I never met the people,” Dershowitz said. “There’s no evidence we’ve ever met, no evidence we were ever in the same place at the same time, ever.” He has sued to unseal evidence filed in the Maxwell defamation case that he predicts will prove damaging to his accusers’ credibility. The record contains emails, he said, from Ransome to a New York *Post* reporter, in which she purports to possess sex tapes of Hillary Clinton, Richard Branson, and Donald Trump. There are also emails between Giuffre and a tabloid journalist, he said, in which she appears to shape her story to make it more salable as a book. Dershowitz also stresses that there appears to be a discrepancy in Giuffre’s accounts of her age at the time she worked at Mar-a-Lago, meaning she may have been as old as 17 when she met Epstein, which may make a legal distinction, if not a moral one.

Constantly, he calls Giuffre a “liar” and worse. Counterpunching is his style as a defense attorney, but his vehemence often turns ugly.

“As a psychologist,” Cohen interjected during one harangue, “one thing that Alan and I have talked about is that people with that kind of horrific background where they really had to resort to their own resources to survive, they learn how to be manipulative.”

“I understand the phenomenon,” Dershowitz replied. “But I’m not going to let somebody get away with falsely accusing me of a horrendous crime, just because I may have some sympathy with what she went through. Maybe she should have some sympathy with what she’s putting me through.”

Boies said that his clients would not be available for comment, but he told me the accusations will withstand Dershowitz’s assaults. “There is no one who ever talked to Virginia Giuffre who does not believe that she is a credible witness,” Boies said. Much of the evidentiary record in the Maxwell defamation case, which was settled in 2016 for an undisclosed sum, is expected to become public soon, after a federal appeals court sided with Dershowitz and others who argued for overturning a sealing order.

Besides the documents that Dershowitz predicts will exonerate him, the record includes much testimony and evidence from Giuffre and supporting witnesses. “Mr. Dershowitz’s misconduct, and his lies about it, are documented in sworn affidavits, sworn depositions, and contemporaneous documents,” Boies said. “I can understand why Mr. Dershowitz wants to distract attention from the facts by talking about me.”

Earlier this year, Boies’s firm filed yet another defamation lawsuit on Giuffre’s behalf, this one against Dershowitz directly. Dershowitz vows to fight it until he is vindicated or he dies. “I’m not going to be made whole until David Boies is imprisoned, disbarred, and discredited,” he said. “I will only be made whole when the world understands that this was a completely made up story for money. Nothing short of that will satisfy me.”

“It is clear to me,” Boies replies, “that Mr. Dershowitz will never be made whole.”

Toward the end of our morning on the Vineyard, Dershowitz stepped out of the room to have yet another crisis-management call with his lawyer. I took the opportunity to ask Cohen how she hoped to see the case between her husband and his accusers resolved.

“My hope, my greatest dream, would be for this to be revealed as really a sinister plot by Boies, and that he gets what’s due to him, and Alan gets totally exonerated,” she said. “And the